

COVET & MANE, LLC,

SOUTHERN DISTRICT OF NEW YORK

COVET & MANE, LLC,

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Plaintiff,

-V-

INVISIBLE BEAD EXTENSIONS, *et al.*,

Defendants.

21 Civ. 7740 (JPC) (RWL)

ORDER

JOHN P. CRONAN, United States District Judge:

JOHN P. CRONAN, United States District Judge:

Before the Court are Defendants’<sup>1</sup> objections to a June 1, 2023 Order of the Honorable Robert W. Lehrburger, Dkt. 222, to whom this case has been referred for general pretrial supervision, denying a request to stay this case, Dkt. 234 (“Objections”), as well as Defendants’ “emergency motion to stay” Judge Lehrburger’s Order pending resolution of their Objections, Dkt. 232. As background, Defendants moved to dismiss the Second Amended Complaint on May 23, 2023. Dkt. 219. Two days later, they filed a letter requesting to stay discovery pending a resolution of their motion. Dkt. 220. After Plaintiff opposed, Dkt. 221, Judge Lehrburger on June 1, 2023 denied the request “for lack of good cause, considering the substance of [Defendant Invisible Bead Extensions]’s arguments for dismissal, the parties’ relative burdens, and the posture of this case.” Dkt. 222.<sup>2</sup> Defendants timely objected on June 13, 2023. Dkt. 230. On June 14, 2023, Plaintiff filed a response to Defendants’ objections and request for an emergency stay of discovery. Dkt.

<sup>1</sup> For purposes of this Order, the term “Defendants” does not include Defendant Cassadi Currier, who has yet to appear in this case.

<sup>2</sup> Judge Lehrburger had twice previously denied requests from Defendants to stay this case. *See* Dkts. 194 (denying motion to stay discovery pending the undersigned's resolution of Defendants' objections to a report and recommendation), 201 (denying reconsideration of previous decision to deny a stay of the case).

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When a party objects to a non-dispositive order of a magistrate judge, the district court may only set the order aside if it “is clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a). “An order is clearly erroneous when the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” *Collens v. City of New York*, 222 F.R.D. 249, 251 (S.D.N.Y. 2004) (internal quotation marks omitted). “An order is contrary to law when it fails to apply or misapplies relevant statutes, case law or rules of procedure.” *Id.* (internal quotation marks omitted).

Under the “traditional standard for a stay,” a court must consider “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Nken v. Holder*, 556 U.S. 418, 425-26 (2009) (internal quotation marks omitted). Importantly, as Defendants correctly acknowledge, “[d]istrict courts have broad discretion in deciding whether to grant a motion to stay.” *Lenart v. Coach Inc.*, 131 F. Supp. 3d 61, 71 (S.D.N.Y. 2015) (collecting cases); *see also Caldwell v. City of New York*, No. 21 Civ. 6560 (LJL) (SDA), 2023 WL 2584205, at \*3 n.6 (S.D.N.Y. Mar. 21, 2023); *accord* Objections at 7.

Judge Lehrburger’s denial of Defendants’ request for a stay was neither clearly erroneous nor contrary to law. In ruling on the request, Judge Lehrburger assessed “the substance of [Invisible Bead Extensions]’s arguments for dismissal, the parties’ relative burdens, and the posture of the case.” Dkt. 222. These are the precise factors that federal trial courts must consider under the law when deciding motions to stay. *See Nken*, 556 U.S. at 425-26. While Defendants argue that denial of the stay “was nevertheless an abuse of discretion,” Objections at 7, the review

of Judge Lehrburger's Order is not for abuse of discretion; it is clear error.<sup>3</sup> Accordingly, considering the broad discretion afforded to judges when deciding motions to stay and the standard under Rule 72(a) for a district judge's review of a magistrate judge's non-dispositive order, Defendants' objections to Judge Lehrburger's Order are overruled. Defendants' request for an emergency stay pending this decision is denied as moot. The Clerk of Court is respectfully directed to close Docket Number 232.

SO ORDERED.

Dated: June 15, 2023  
New York, New York



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JOHN P. CRONAN  
United States District Judge

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<sup>3</sup> Even were that the standard for the undersigned to review the June 1, 2023 Order, Judge Lehrburger's denial of a stay certainly was not an abuse of his discretion given his careful and proper consideration of the relevant factors.